

EXPRESS MAIL CERTIFICATE

Date 4/3/00 Label No. 508340982

I hereby certify that, on the date indicated above I deposited this paper or fee with the U.S. Postal Service & that it was addressed for delivery to the Commissioner of Patents & Trademarks, Washington D.C. 20231 by "Express Mail Post Office to Addressee" service.

S. Beck  
Name (Print)

S. Beck  
Signature



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TECH CENTER 1600/2000

Docket No. 0646/OD205

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ramesh A. BHAT et al.

For: **NOVEL HUMAN ESTROGEN RECEPTOR-BETA**

*Handwritten initials: HCL / DR*

CONTINUED PROSECUTION APPLICATION

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

This is a request for filing under 37 C.F.R. 1.53(d) of a

☒ Continuation

☐ Divisional

application of the following pending prior application, which is complete:

Serial No. 08/906,365

Filed: **August 5, 1997** (NOTE: This date must be after 6/7/95)

Of: Ramesh A. BHAT et al.

For: **NOVEL HUMAN ESTROGEN RECEPTOR-BETA**

Examiner: N. Basi

Group: 1646

1. As of the filing date accorded the present application, abandon the prior application, in which no issue fee has been paid, nor has there been a termination of proceedings. The file wrapper contents of the prior application are to constitute the basic papers for the new application.
2. The filing fee is calculated below:

CLAIMS AS FILED, AFTER ACCOMPANYING AMENDMENT

	Claims on File	Number Extra	Rate
Basic Fee .....			\$690.00
Total Claims .....	21 - 20 =	1 x \$18	\$18.00
Independent Claims .....	5 - 3 =	2 x \$78	\$156.00
If Multiple Dependent Claims Are Present, Add \$260.00 .....			\$0.00
Total Filing Fee .....			\$864.00
For Small Entity (half of preceding total)* .....			\$

\*No. 9 below must be checked to claim this reduction.

A check in the amount of \$864.00 is enclosed to cover the filing fee.

3. A new declaration
  - ☒ is not required, since this application is a continuation or a division and does not include a new inventor, or
  - ☐ is enclosed, together with the required filing fee of \$, or
  - ☐ will be provided later, together with the required filing fee.
4. ☐ Cancel claims \_\_\_\_.
5. ☒ Amend the specification by inserting before the first line the sentence (check one and fill in):
 

"This is a ☒ continuation, ☐ division, of application Serial No. 08/906,365, filed August 5, 1997. The most recent of these prior applications is hereby incorporated herein by reference, in its entirety."
6. ☐ Enter the unentered amendment submitted in the prior application on .
7. ☐ A preliminary amendment is also enclosed.
8. ☒ Information Disclosure Statement with Form 1449 and 3 references.

9. ☒ The power of attorney in the prior application is to attorneys at the firm of DARBY & DARBY P.C., 805 Third Avenue, New York, NY 10022.

(a) ☒ The power appears in the original papers of the prior application.

(b) ☐ Since the power does not appear in the original papers, a power of attorney is enclosed.

10. ☐ A verified statement claiming small entity status (check one):  
☐ was filed in parent application or ☐ is enclosed.

11. ☐ Priority is claimed from  
Country:  
Number:  
Date:

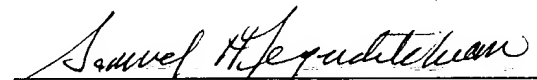
The priority document

☐ was filed in the prior application  
☐ is enclosed.

12. The Assignment

☒ was recorded at Reel 9062 Frame 0222 on March 18, 1998  
☐ is enclosed.

Respectfully submitted,



Samuel H. Megerditchian  
Reg. No. 45,678  
Agent for Applicant(s)

DARBY & DARBY P.C.  
805 Third Avenue  
New York, New York 10022  
212-527-7700

CERTIFICATE OF MAILING

I hereby certify that this paper and every paper referred to therein as being enclosed is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner of Patents & Trademarks, Washington, DC 20231,

on August 15, 2000 (Date of Deposit)

8/15/00 DL Beck  
Date Name



PLEASE CHARGE ANY DEFICIENCY  
UP TO \$300.00 OR CREDIT ANY  
EXCESS IN THE FEES DUE WITH  
THIS DOCUMENT TO OUR DEPOSIT  
ACCOUNT NO. 04-0100

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AUG 22 2000

TECH CENTER 1600/2900

File # 0646/0D205

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ramesh A. Bhat *et al.*

Serial No.: 08/906,365

Group Art Unit: 1646

Filed: August 5, 1997

Examiner: N. Basi

For: NOVEL HUMAN ESTROGEN RECEPTOR-BETA

REQUEST FOR STATUS AS A CONTINUED PROSECUTION APPLICATION  
UNDER 37 C.F.R. 1.53(d)

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

August 15, 2000

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated June 21, 2000 (copy enclosed), please note that the above-identified application, Serial No. 08/906,365, filed August 5, 1997, is a Continued Prosecution Application. The request for filing a Continued Prosecution Application was filed April 3, 2000. A copy of the request, which clearly indicates that this is a request for filing under 37 C.F.R. 1.53(d)

is enclosed as Exhibit A.

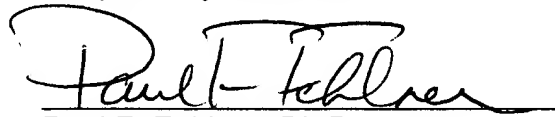
Accordingly, please disregard the instruction in the request for a Continued Prosecution Application to amend the specification by inserting before the first line the sentence "This is a continuation of application serial no. 08/906,365, filed August 5, 1997."

The Continued Prosecution Application was filed solely to ensure consideration of an Information Disclosure Statement with three references, which was also filed April 5, 2000 (copy enclosed as Exhibit B).

Claims 1-18 and 24-26 are pending in the application. Claims 19-23 have been canceled. A copy of the amendment effecting these changes is enclosed as Exhibit C. None of the pending claims are multiply dependent, therefore the additional claim fee of \$260.00 is not due. In addition, no other declaration need be filed under Rule 1.53(d). Thus, the Notice to File Missing Parts of Nonprovisional Application is in error.

Withdrawal of the Notice to File Missing Parts of Nonprovisional Application, and accordance of this application as a Continued Prosecution Application, retaining the serial number and filing date originally assigned, is earnestly solicited.

Respectfully submitted,



Paul F. Fehlner, Ph.D.

Reg. No. 35,135

Attorney for Applicants

DARBY & DARBY, P.C.  
805 Third Avenue  
New York, N.Y. 10022  
Phone (212) 527-7700  
(D&DForms/PTO-24)

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